

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

Bail Appl..No. 4310 of 2007()

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CRIME NO.332/07 OF PALARIVATTOM POLICE STATION

PETITIONERS/ACCUSED  
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1. MRS.LISSY K.VARGHESE,  
W/O.RENOY RAPHAEL, PROPRIETRIX,  
M/S.SPINNYES LIFE STYLE, RESIDING AT C5,  
TRAVANCORE RESIDENCY, MANGATTU ROAD,  
EDAPPALLY.
2. RENOY RAPHAEL, RESIDING AT C5,  
TRAVANCORE RESIDENCY, MANGATTU ROAD,  
EDAPPALLY.

BY ADV. SRI.SUJITH MATHEW JOSE

RESPONDENTS: COMPLAINANT  
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STATE OF KERALA, REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.  
(FOR SUB INSPECTOR OF POLICE, PALARIVATTOM,  
CRIME NO.332/2007, PALARIVATTOM P.S.)

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**R. BASANT, J.**

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**B.A. NO. 4310 OF 2007**  
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Dated this the 17<sup>th</sup> day of July, 2007

**ORDER**

Application for anticipatory bail. The petitioners face allegations in a crime registered, inter alia, under Sec.406 of the IPC. The crime was registered on the basis of a private complaint filed before the learned Magistrate and referred to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C. The petitioners have come before this Court apprehending arrest on the allegation that non-bailable offences have been committed by the petitioners.

2. The learned Public Prosecutor, after taking instructions, submits that the apprehension of the petitioners is without any basis now. Investigation is complete. Final report has already been filed. It is for the petitioners now to appear before the learned Magistrate and seek regular bail. Investigators do not want to arrest the petitioners, the final

**B.A. NO. 4310 OF 2007** -: 2 :-

report having already been filed.

3. I am, in these circumstances, satisfied that there are no circumstances justifying issue of directions under Sec.438 of the Cr.P.C. This, I am satisfied, is a fit case where the petitioners must appear before the learned Magistrate and seek regular bail in the ordinary course.

4. In the result, this bail application is dismissed; but with the observation that if the petitioners surrender before the learned Magistrate and seek bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

**(R. BASANT, JUDGE)**

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P.S. to Judge

**B.A. NO. 4310 OF 2007    -: 3 :-**